## CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of

Patents & Trademarks, Washington, DC 20231,



File No.: 1225/0C674

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David BERD

Serial No.:

08/203,004 Group Art Unit:

1642

Filed:

02/28/94

Examiner:

Susan Ungar

For:

COMPOSITION AND METHOD OF USING TUMOR CELLS

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 3, 1997 of the Primary Examiner finally rejecting claims 10, 22, 24-28, 34-48.

3, 5-7,

The item(s) checked below are applicable:

- 1. [x] An extension of time to respond to the final rejection is required: a petition and fee of \$475.00 are enclosed.
- 2. [x] A timely response to the final rejection is filed concurrently herewith.
- 3. Fee \$310.00: [x] Fee \$155.00 (small entity): [x] Enclosed
  - Not required (fee paid in prior appeal)
  - Charge any deficiency to Deposit Account No. 04-0100 [x]

Respectfully submitted,

Nada Jain

Reg. No. 41,43

Attorney for Applicant(s)

Dated: May 4, 1998

DARBY & DARBY P.C.

805 Third Avenue New York, New York 10022 212-527-7700

(PTO-15)